

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of Permit 20512 (Application 29496)

Candace Owens

**ORDER APPROVING CHANGES IN
POINT OF DIVERSION AND PURPOSE OF USE AND
ISSUING THE LICENSE**

SOURCE: (1) Champlin Slough and (2) Mill Creek tributary to (1) Toomes Creek thence (2) Sacramento River

COUNTY: Tehama County

WHEREAS:

1. Permit 20512 was issued to Evelyn B. Clough on March 6, 1991, pursuant to Application 29496 and subsequently assigned to Candace Owens on June 5, 2001.
2. The Division of Water Rights (Division) record of ownership for Permit 20512 shows the current holder of the permit as Candace Owens.
3. Under Permit 20512, water may be diverted from Mill Creek at the Mill Creek Dam, however, in 1997, high stream flows washed out the dam. In cooperation with the California Department of Fish and Game and the Los Molinos Mutual Water Company (LMMWC), the Permittee has entered into an agreement to use LMMWC's existing fish-screened concrete dam as an alternate point of diversion. Division staff also conducted a licensing inspection of the project on September 22, 2000.
4. A petition to change a point of diversion and modify the purpose of use was filed with the State Water Resources Control Board (SWRCB) on September 14, 2001, and the SWRCB has determined that good cause for such changes has been shown. Public notice of the changes was issued on March 15, 2002. No protests to approval of the petition were filed with the SWRCB.
5. The SWRCB has determined that the license shall be issued to include the following specific corrections or changes to Permit 20512:
 - a. The license will include a new point of diversion along Mill Creek. The old point of diversion along Mill Creek has been abandoned.
 - b. The license will include the following new purposes of use: stockwatering, recreational, wildlife protection and enhancement, and fire protection.

6. The SWRCB has determined the amendments to the permit do not constitute an initiation of a new right, and do not injure prior rights or the public trust resources of the State.
7. Approval of the change petition is exempt from the requirement to prepare a California Environmental Quality Act (CEQA) document in accordance with section 15061 (b)(3) of the CEQA Guidelines. Pursuant to section 15061 (b)(3), it can be seen with certainty that there is no possibility that the activity will have a significant effect upon the environment.

THEREFORE, IT IS ORDERED:

The attached License pursuant to Application 29496 is issued. The priority of the License is May 16, 1989.

STATE WATER RESOURCES CONTROL BOARD

A handwritten signature in cursive script, appearing to read "Steven H. ... for", written over the printed name of the official.

*Victoria A. Whitney, Chief
Division of Water Rights*

Dated: **MAY 08 2006**



STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 29496
Page 1 of 4

PERMIT 20512

LICENSE **13646**

THIS IS TO CERTIFY, That

Candace Owens
13815 Trinity Avenue
Red Bluff, CA 96080

has made proof as of **September 22, 2000** (the date of inspection) to the satisfaction of the State Water Resources Control Board (SWRCB) of a right to the use of the waters of **(1) Champlin Slough and (2) Mill Creek in Tehama County**

tributary to **(1) Toomes Creek thence (2) Sacramento River**

for the purpose of **Irrigation, Stockwatering, Wildlife Protection and Enhancement, Recreational, and Fire Protection uses**

under Permit **20512** of the SWRCB; that the right to the use of this water has been perfected in accordance with the laws of California, the Regulations of the SWRCB, and the permit terms; that the priority of this right dates from **May 16, 1989**; and that the amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed **twenty (20) acre-feet per annum to be collected from November 1 of each year to May 31 of the succeeding year. The maximum withdrawal in any one year shall not exceed 20 acre-feet.**

The maximum instantaneous rate of diversion to offstream storage shall not exceed 11 cubic feet per second.

The capacity of the reservoir covered by this license shall not exceed 20 acre-feet.

This license does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

THE POINT OF DIVERSION, REDIVERSION, AND PLACE OF STORAGE OF SUCH WATER IS LOCATED:

- (1) By California Coordinate System of 1927, Zone 1, North 255,990 feet and East 1,986,667 feet, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 12, T25N, R2W, MDB&M.

THE POINT OF DIVERSION TO OFFSTREAM STORAGE OF SUCH WATER IS LOCATED:

- (2) By California Coordinate System of 1927, Zone 1, North 263,006 feet and East 1,991,334 feet, being within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 31, T26N, R1W, MDB&M.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

Stockwatering, Recreational, Wildlife Enhancement and Protection, and Fire Protection uses at reservoir within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 12, T25N, R2W, MDB&M, and Irrigation of 50 acres net within 150 acres gross within NE $\frac{1}{4}$ of Section 14, T25N, R2W, MDB&M, as shown on map on file with the SWRCB.

This license shall not be construed as conferring upon the licensee the right of access to the point of diversion.

(0000022)

Licensee shall maintain an outlet pipe of adequate capacity in the dam as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the Chief of the Division of Water Rights in order that water entering the reservoir which is not authorized for appropriation under this license may be released.

(0050043)

This license is subject to prior rights. Licensee is put on notice that, during some years, water will not be available for diversion during portions or all of the season authorized herein. The annual variations in demands and hydrologic conditions in the Sacramento River Basin are such that in any year of water scarcity the season of diversion authorized herein may be reduced or completely eliminated on order of the SWRCB, made after notice to interested parties and opportunity for hearing.

(0000090)

This license does not authorize any additional water to be diverted from Mill Creek than the amounts that are authorized in: 1) Court Decree No. 3811, Superior Court in and for the County of Tehama, and 2) Licenses 59 and 557 (Applications 322 and 1861) issued by the SWRCB.

(0540114)

Diversion of water under this license from Mill Creek shall be subject to regulation by the watermaster appointed to enforce the terms of Court Decree No. 3811, Superior Court in and for the County of Tehama.

(00N001)

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the SWRCB.

Licensee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by the SWRCB, reasonable access to project works to determine compliance with the terms of this license.

Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

The quantity of water diverted under this license is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

If construction or rehabilitation work is required for the diversion works covered by this license within the bed, channel, or bank of the affected water body, the licensee shall enter into a streambed or lake alteration agreement with the State Department of Fish and Game. Licensee shall submit a copy of the agreement, or waiver thereof, to the Division of Water Rights prior to commencement of work. Compliance with the terms and conditions of the agreement is the responsibility of the licensee.

This license is granted and the licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the SWRCB.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

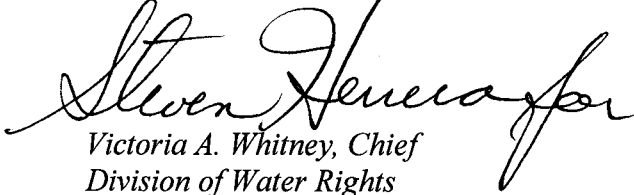
Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

STATE WATER RESOURCES CONTROL BOARD



Victoria A. Whitney, Chief
Division of Water Rights

Dated: **MAY 08 2006**

P. Folkins

(916) 324-5744

Facsimile (916) 323-0743

MAY 30 1991

In Reply Refer
to:331:JM:29496

Evelyn B. Clough
P.O. Box 151
Los Molinos, CA 96055

Dear Mrs. Clough:

APPLICATION 29496 - MILL CREEK AND CHAMPLIN SLOUGH IN TEHAMA COUNTY

An inadvertent oversight was made in the permit issued for the above application. Please add the following to Item 2 of your permit:

Clough Diversion Dam -	<u>40-acre sub.</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>B & M</u>
	NE1/4 of NW1/4	1	25N	2W	MD

If you have any questions, please call me at (916) 324-5744.

Sincerely,

ORIGINAL SIGNED BY

Jagruti Maroney
Associate WRC Engineer
Application Unit #1

cc: Jim Lowden, General Manager
Los Molinos Mutual Water Company
25162 Josephine Street
Los Molinos, CA 96055

bcc: Files - P. Folkins
Licensing - S. Okade
Applications - C. Henriet

JMARONEY 5/30/91 29496

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20512

Application 29496 of Evelyn B. Clough

P.O. Box 151, Los Molinos, CA 96055

filed on May 19, 1989, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

(1) <u>Champlin Slough</u>	<u>Toomes Creek thence</u>
	<u>Sacramento River</u>
(2) <u>Mill Creek</u>	<u>Sacramento River</u>

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(1) UNNAMED STORAGE RESERVOIR NORTH 255,925 FEET AND EAST 1,986,650 FEET CALIFORNIA COORDINATE SYSTEM, ZONE 1	SW $\frac{1}{4}$ OF NW $\frac{1}{4}$	12	25N	2W	MD
(2) CLOUGH DIVERSION DAM NORTH 263,000 FEET AND EAST 1,988,700 FEET CALIFORNIA COORDINATE SYSTEM, ZONE 1					

County of Tehama

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acre
FISH AND WILDLIFE ENHANCEMENT						
RECREATIONAL						
STOCKWATERING	UNNAMED RESERVOIR WITHIN SW $\frac{1}{4}$ OF NW $\frac{1}{4}$	12	25N	2W	MD	
IRRIGATION	50 ACRES NET WITHIN 150 ACRES WITHIN SE $\frac{1}{4}$	14	25N	2W	MD	

The place of use is shown on map on file with the State Water Resources Control Board.